

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Asheville/Bryson City Division

In re)		
)	Case no.	10-10684
POWER DEVELOPMENT, LLC,)		
)	Chapter	11
Debtor.)		

**DEBTORS' RESPONSE TO BANKRUPTCY ADMINISTRATOR'S AMENDED
MOTION TO DISMISS**

NOW COMES the Debtor in Possession (DIP), Power Development, LLC, responding to the Amended Motion to Dismiss filed by the Bankruptcy Administrator (BA) on September 20, 2010 as follows:

The BA's amended motion to dismiss asserts that the DIP cannot continue to operate, do any business, or reorganize but may only wind up and liquidate its affairs due to the fact that the North Carolina Secretary of State (NCSS) administratively dissolved the DIP for failure to file annual reports. The DIP's principals operated under the belief that the required reports had been filed. Upon learning that the DIP had been administratively dissolved its principals filed the required reports (see attached Exhibit A).

It is common for entities such as the DIP to be administratively dissolved by the NCSS for failure to file annual reports and for them to be reinstated upon payment of the proper fee and filing of the missing reports. As it is called, this is an "administrative dissolution" which is easy to cure, has been cured, and does not in any substantive way affect the DIP.

WHEREFORE, the DIP respectfully requests that the BA's motion be DENIED.

THIS, the 21st day of September, 2010.

KIGHT LAW OFFICE, PC

By: /s/

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CERTIFICATE OF SERVICE:

I certify that the BA and Applied have been served with this Objection by sending a copy through the US Postal Service in a postage prepaid, properly addressed envelope.

THIS, the 21st day of September, 2010.

/s/

TERRI PIERCE, legal assistant to
D. Rodney Kight, Jr.